

## **REMARKS**

Upon entry of this amendment, claims 1 - 4, 6 - 14 and 16 are all the claims pending in the application. Claim 5 was canceled by a previous amendment and claim 15 has been canceled without prejudice or disclaimer by this amendment. Claims 1, 2, 9 - 11, 14, and 16 have been amended for reconsideration by the Examiner. No new matter has been added. In view of the above amendments and the following remarks, reconsideration and further examination are requested. Therefore, it is respectfully submitted that the above amendments do not introduce any new matter within the meaning of 35 U.S.C. §132. It is also submitted that these amendments were made to clarify the invention and do not present new issues that would require further consideration or search.

### **Claim Rejections under 35 U.S.C.§ 102**

Claim 1 is rejected under 35 U.S.C.§ 102(b) as being anticipated by EP Patent No. 0991007 to Miyamoto et al. Claims 2, 4, 6 - 8, 15 and 16 are rejected under 35 U.S.C.§ 102(b) as being anticipated by Miyamoto et al. Claim 9 is rejected under 35 U.S.C.§ 102(b) as being anticipated by U.S. Patent No. 6,190,257 to Takeda et al. Claim 10 is rejected under 35 U.S.C.§ 102(b) as being anticipated by Miyamoto et al. Claim 11 is rejected under 35 U.S.C.§ 102(b) as being anticipated by Miyamoto et al. Claim 14 is rejected under 35 U.S.C.§ 102(b) as being anticipated by Miyamoto et al.

Applicants respectfully traverse the rejections on the following basis. Applicants respectfully submit that Miyamoto et al. fails to teach or suggest each and every element of the claims, as amended.

Amended independent claims 1 and 2 recite a combination of elements, *inter alia*:

"...a game execution unit operable to proceed with the game according to the inputting operation...and the procedure..., and to cause the character to appear in the game in accordance with the character data..., wherein

the character has a plurality of attributes, wherein

the...game execution apparatus further comprises:

a permission information reading unit operable to read from the...game recording medium...permission information that indicates which attribute from the plurality of attributes is

permitted to be changed by the...game execution apparatus, the...game recording medium storing the...permission information therein, and

in accordance with the read...permission information, the...game execution unit changes the attribute permitted to be changed by the...game execution apparatus as the game proceeds, and prohibits an attribute not permitted to be changed by the...game execution apparatus from being changed, wherein

the...permission information is(are) associated with the plurality of the attributes of the character indicated by the character data". [Emphasis added]

Amended independent claim 9 recites a combination of elements, *inter alia*:

"...an output unit operable to, when the authenticity has been ensured, read the character data from the storage unit and output the read character data to the game execution apparatus, wherein

the character has a plurality of attributes, wherein

the portable recording medium stores therein permission information for the game execution apparatus, the permission information indicating which attribute from the plurality of attributes is permitted to be changed by the game execution apparatus, wherein

the permission information is associated with the plurality of the attributes of the character indicated by the character data". [Emphasis added]

Amended independent claim 10 recites a combination of elements, *inter alia*:

"...proceeding with the game according to the inputting operation and the procedure, and causing the character to appear in the game in accordance with the character data, wherein

the character has a plurality of attributes,

...a permission information reading unit operable to read permission information that indicates which attribute from the plurality of attributes is permitted to be changed by the game execution apparatus, and

in accordance with the read permission information, the game execution unit changes the attribute permitted to be changed by the game execution apparatus as the game proceeds, and prohibits an attribute not permitted to be changed by the game execution apparatus from being changed, wherein

the permission information is associated with the plurality of the attributes of the character indicated by the character data". [Emphasis added]

Amended independent claim 11 recites a combination of elements, *inter alia*:

"...proceeding with the game recording to the inputting operation and the procedure, and causing the character to appear in the game in accordance with the character data, wherein

the character has a plurality of attributes,

... a permission information reading unit operable to read permission information that indicates which attribute from the plurality of attributes is permitted to be changed by the game execution apparatus, and

in accordance with the read permission information, the game execution unit changes the attribute permitted to be changed by the game execution apparatus as the game proceeds, and prohibits an attribute not permitted to be changed by the game execution apparatus from being changed, wherein

the permission information is associated with the plurality of the attributes of the character indicated by the character data". *[Emphasis added]*

Amended independent claim 14 recites a combination of elements, *inter alia*:

"...:proceeding with the game according to the inputting operation and the procedure, and causing the character to appear in the game in accordance with the character data, wherein

the character has a plurality of attributes,

...a permission information reading unit operable to read permission information that indicates which attribute from the plurality of attributes is permitted to be changed by the game execution apparatus, and

in accordance with the read permission information, the game execution unit changes the attribute permitted to be changed by the game execution apparatus as the game proceeds, and prohibits an attribute not permitted to be changed by the game execution apparatus from being changed, wherein

the permission information is associated with the plurality of the attributes of the character indicated by the character data". *[Emphasis added]*

With this structure, control is performed such that an attribute of a character, such as life power, for example, which appears in a game, can be increased on a portable apparatus and the life power on a stationary game apparatus is not permitted to be increased. Accordingly, the present invention can exhibit an excellent effect that users can enjoy different changes in the attributes of a character on different game execution apparatuses.

Regarding Miyamoto et al., Applicants note that Miyamoto et al. disclose a game system operable with backup data on different game machines. According to this game system, a first-machine 10 has a game cartridge 15 for storing backup data in its memory, which can be utilized to play a game in a second-machine 20 stored in a game cartridge 25 similar to memory cartridge 15, or a disc memory medium 35. *See* paragraphs [0036] and [0048]. In other words, the game stored in an external storage medium or for a first game apparatus is read into a second game apparatus so as to make the backup data usable on the second game apparatus. Accordingly, by processing backup data obtained through playing a game using the storage medium for the first game apparatus, it is possible to enjoy, on the second game apparatus, an associated game or a game in association with the first game apparatus.

In addition, Miyamoto et al. disclose that when there are a plurality of players (persons), another player connects his/her own cartridge 15 to his controller 24 through an extension adapter 50 (Figures 5 and 6) so that backup data is written into a second- (to -fourth) player area of RAM 26. Accordingly, backup data is written on a player-by-player basis in a manner in which one's data can be discriminated from others' data. In other words, Miyamoto et al. aims to prevent one's data from being reflected on other's data and being erroneously written over the RAM 15b of the memory cartridge 15. *See* paragraphs [0054]-[0055].

However, although it is possible to discriminate one's data from other's data in Miyamoto et al., the reference does not disclose a permission information reading unit that is "operable to read from [the] game recording medium permission information that indicates which attribute from the plurality of attributes is permitted to be changed by [the] game execution apparatus, [the] game recording medium storing [the] permission information" [therein] and a game execution unit that, "in accordance with [the] read permission information," "changes the attribute permitted to be changed by [the] game execution apparatus as the game proceeds, and prohibits an attribute not permitted to be changed by [the] game execution apparatus from being changed," wherein [the] "permission information [is] associated with the plurality of the attributes of the character indicated by the character data" as recited in amended independent claims 1, 2, 10, 11, and 14.

Similarly, Miyamoto et al. does not disclose that "[the] portable recording medium [stores therein] permission information" for the game execution apparatus, "[the] permission information [indicating] which attribute from the plurality of attributes is permitted to be

changed by [the] game execution apparatus," wherein "[the] permission information [is] associated with the plurality of the attributes of the character indicated by the predetermined character data" as recited in amended independent claim 9.

Therefore, in Miyamoto et al., if a plurality of users play a single game apparatus, it is possible to prevent one's data from being reflected in others' data and from being overwritten. However, if a character that appears in a game has a plurality of attributes, it is impossible, and is not taught or suggested by Miyamoto et al., to change an attribute of the character that differs between multiple game execution apparatus.

In setting forth the rejections, the Examiner asserts in the Official Action dated on May 15, 2008 that "i.e., the permission information is the cartridge identification data or code" in Miyamoto et al. *See* paragraphs [0054]0-[0055]. However, Applicants submit that the permission information cited in the present independent claims is associated with the plurality of the attributes of the character indicated by the character data, and not the cartridge indication data or code discussed in Miyamoto et al.

Thus, Applicants respectfully submit that the pending independent claims are clearly distinguished over Miyamoto et al.

Regarding Takeda et al., Applicants note that Takeda et al. disclose a system and method for providing security in a video game system. The system in Figures 16A-16F includes an authentic external storage unit 54 and a main unit 52. The authentic external storage unit 54 includes a storage medium 76 containing a video game program 502 and a corresponding security microprocessor chip 152 containing an authentication key 504 used by a manufacturing facility, an authentication code 508 computed by a computation program 506 at the manufacturing facility, and a security program. The main unit 52 determines whether the security microprocessor chip 152 appropriately corresponds to the video game before it allows the video game program 502 to play. *See* Fig.16A and column 28, lines 29 - 44.

However, Takeda et al. fail to disclose a portable recording medium that stores therein "permission information" for [the] game execution apparatus, "[the] permission information [indicating] which attribute from the plurality of attributes is permitted to be changed by [the] game execution apparatus," [the] "permission information [is] associated with the plurality of the attributes of the character indicated by the character data", as recited amended independent claim 9. Rather, Takeda et al. merely teach that the authentic external storage unit 54 includes a storage

medium containing a video game program 502 and a corresponding security microprocessor chip 152 containing an authentication key 504, the authentication code 508, and a security program.

Thus, Applicants respectfully submit that the pending independent claims are clearly distinguished over Takeda et al.

Accordingly, Applicants respectfully submit that Miyamoto et al. and Takada et al. fail to teach or suggest each and every element of amended independent claims 1, 2, 9, 10, 11, and 14, and requests that the rejections under 35 U.S.C. 102(b) be withdrawn.

Claims 4 and 6 - 8 depend from independent claim 2. Accordingly, Applicants submit that claim 4 and 6 - 8 are allowable at least by virtue of their dependency.

### **Claim Rejections under 35 U.S.C.§ 103**

Claim 3 is rejected under 35 U.S.C.§ 103(a) as being unpatentable over Miyamoto et al. Claims 12 and 13 are rejected under 35 U.S.C.§ 103(a) as being unpatentable over Miyamoto et al. Applicants respectfully traverse the rejections on the following basis.

Miyamoto et al. has been discussed above. Since "anticipation is the epitome of obviousness," Connell v. Sears Roebuck & Co., 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983) (quoting In re Fracalossi, 681 F.2d 792, 794, 215 USPQ 569, 571(CCPA 1982)), Applicants respectfully submit that Miyamoto et al. fail to teach or suggest all the features of the claims.

Claims 3, 12 and 13 depend from one of independent claims 2 and 11. Accordingly, Applicants submit that claims 3, 12 and 13 are patentable at least by virtue of their dependencies.

It is also noted that although the status of the present application is after final rejection, the present amendment is appropriate for entry in accordance with 37 C.F.R.§ 1.116, as no new issues are raised that would require a further search thereby, and that the amendments clearly place the application into condition for allowance, or alternatively place the application into better condition for purposes for appeal by eliminating the grounds for the rejections. Accordingly, entry of the present amendment is respectfully requested.

## **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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